

FILED

FOR PUBLICATION

JUL 15 2014

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

GERALD ROSS PIZZUTO, Jr.,

Petitioner - Appellant,

v.

RANDY BLADES, Warden, Idaho  
Maximum Security Institution,

Respondent - Appellee.

No. 12-99002

D.C. No. 1:05-cv-00516-BLW  
District of Idaho, Boise

ORDER

Before: FISHER, GOULD, and RAWLINSON, Circuit Judges.

This case is RESUBMITTED as of the date of this order.

In light of the Supreme Court's opinion in *Hall v. Florida*, 134 S. Ct. 1986 (2014), the opinion filed on September 9, 2013 and reported at *Pizzuto v. Blades*, 729 F.3d 1211 (9th Cir. 2013), is WITHDRAWN.

The briefing schedule set in our orders of November 4, 2013 and June 10, 2014 is VACATED.

Petitioner-Appellant's Petition for Rehearing and Petition for Rehearing En Banc is DENIED as moot.

We VACATE the order of the district court and REMAND the case to the district court for further proceedings consistent with *Hall*.

## **COUNSEL**

Heather Williams, Federal Defender; Joseph Schlesinger, Assistant Federal Defender; Joan M. Fisher (argued), Assistant Federal Defender, Federal Defender for the Eastern District of California, Sacramento, California, for Petitioner-Appellant.

Lawrence G. Wasden, Attorney General of Idaho, Paul R. Panther, Deputy Attorney General, and L. LaMont Anderson (argued), Deputy Attorney General, Boise, Idaho, for Respondent-Appellee.